

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CHARLES S. HOTTENSTEIN,
Administrator for the Estate of Tracy
Hottenstein, CHARLES S. HOTTENSTEIN,
and ELIZABETH K. HOTTENSTEIN,

Plaintiffs,

v.

CITY OF SEA ISLE CITY, et al.,

Defendants.

HONORABLE ROBERT B. KUGLER

CIV. NO. 11-cv-740 (RBK/JS)

VERDICT SHEET

1. Has the Plaintiff proven by a preponderance of the evidence that Dr. Zaki Khebzou deviated from accepted standards of medical practice?

Yes _____ No X

IF YOUR ANSWER IS "YES", PROCEED TO QUESTION NO. 2.

IF YOUR ANSWER IS "NO", PROCEED TO QUESTION NO. 6.

2. Has the Plaintiff proven that Dr. Zaki Khebzou's deviation from accepted standards of medical practice increased the risk of harm posed by Tracy Hottenstein's pre-existing condition?

Yes _____ No _____

IF YOUR ANSWER IS "YES", PROCEED TO QUESTION NO. 3.

IF YOUR ANSWER IS "NO", PROCEED TO QUESTION NO. 6.

3. Was Dr. Zaki Kehbzou's deviation a substantial factor in causing the increased risk of death of Tracy Hottenstein?

Yes _____ No _____

IF YOUR ANSWER IS "YES", PROCEED TO QUESTION NO. 4.

IF YOUR ANSWER IS "NO", PROCEED TO QUESTION NO. 6.

4. Has the Plaintiff proven by a preponderance of the evidence that Atlanticare Regional Medical Center held out Dr. Zaki Khebzou as an agent and/or employee?

Yes _____ No _____

IF YOUR ANSWER IS "YES", PROCEED TO QUESTION NO. 5.

IF YOUR ANSWER IS "NO", PROCEED TO QUESTION NO. 6.

5. Has the Plaintiff proven by a preponderance of the evidence that Dr. Zaki Khebzou was acting within the scope of his apparent authority as an agent and/or employee of Atlanticare Regional Medical Center?

Yes _____ No _____

PROCEED TO QUESTION NO. 6.

6. Has the Plaintiff proven by a preponderance of the evidence that the Atlanticare defendants through the actions of Michael Senisch deviated from accepted standards of paremdic practice?

Yes _____ No X

IF YOUR ANSWER IS "YES", PROCEED TO QUESTION NO. 7.

IF YOUR ANSWER IS "NO", AND YOU ANSWERED "YES" TO EACH OF QUESTIONS NO. 1, NO. 2, AND NO. 3, PROCEED TO QUESTION NO. 9.

IF YOUR ANSWER IS "NO", AND YOU ANSWERED "NO" TO ANY OF QUESTIONS NO. 1, NO. 2, OR NO. 3, HAVE THE FOREPERSON SIGN THE FINAL PAGE, AND RETURN YOUR VERDICT.

7. Has the Plaintiff proven that the Atlanticare defendants' conduct through Michael Senisch's deviation from accepted standards of medical practice increased the risk of harm posed by Tracy Hottenstein's pre-existing condition?

Yes _____ No _____

IF YOUR ANSWER IS "YES", PROCEED TO QUESTION NO. 8.

IF YOUR ANSWER IS "NO", AND YOU ANSWERED "YES" TO EACH OF QUESTIONS NO. 1, NO. 2, AND NO. 3, PROCEED TO QUESTION NO. 9.

IF YOUR ANSWER IS "NO", AND YOU ANSWERED "NO" TO ANY OF QUESTIONS NO. 1, NO. 2, OR NO. 3, HAVE THE FOREPERSON SIGN THE FINAL PAGE, AND RETURN YOUR VERDICT.

8. Was the Atlanticare defendants' conduct through Michael Senisch's deviation a substantial factor in causing the increased risk of death of Tracy Hottenstein?

Yes _____ No _____

IF YOUR ANSWER IS "YES", PROCEED TO QUESTION NO. 9.

IF YOUR ANSWER IS "NO", AND YOU ANSWERED "YES" TO EACH OF QUESTIONS NO. 1, NO. 2, AND NO. 3, PROCEED TO QUESTION NO. 9.

IF YOUR ANSWER IS "NO", AND YOU ANSWERED "NO" TO ANY OF QUESTIONS NO. 1, NO. 2, OR NO. 3, HAVE THE FOREPERSON SIGN THE FINAL PAGE, AND RETURN YOUR VERDICT.

9. Have either of the defendants met their burden of proving by a preponderance of the evidence that some portion of the ultimate injury was a result of the pre-existing condition?

Yes _____ No _____

PROCEED TO QUESTION NO. 10.

10. IF YOU ANSWERED “NO” TO QUESTION NO. 9, ENTER “0” FOR PRE-EXISTING
CONDITION.

IF YOU ANSWERED “NO” TO ANY OF QUESTIONS NO. 1, NO. 2, OR NO. 3,
ENTER “0” FOR DR. ZAKI KHEBZOU.

IF YOU ANSWERED “NO” TO ANY OF QUESTIONS NO. 6, NO. 7, OR NO. 8,
ENTER “0” FOR MICHAEL SENISCH.

State in percentages what portion of the ultimate injury is a result from:

- a. The pre-existing condition: _____ %

- b. Dr. Zaki Khebzou’s deviation: _____ %

- c. The Atlanticare defendants’ conduct
through Michael Senisch’s deviation: _____ %

- TOTAL 100 %

PROCEED TO QUESTION NO. 11.

11. What sum of money will fairly and reasonably compensate plaintiffs Charles Hottenstein and Elizabeth Hottenstein for any damages?

a. Past Loss \$ _____


b. Future Loss \$ _____

c. Funeral Expenses \$ _____

TOTAL \$ _____

REGARDLESS OF YOUR ANSWERS, THE FOREPERSON MUST SIGN AND DATE THIS VERDICT FORM.

DATE: 10/20/15

 _____
FOREPERSON